

MEXICAN REBELS DEFEATED

36 AMERICANS CAPTURED BY THE FEDERALS.

Several Americans With Insurrectos at Casas Grandes Also Killed—Stood to the Last—Unconfirmed Report That the Rebels Then Turned the Tables.

El Paso, March 9.—Francisco I. Madero in his first big clash with the Federals was badly defeated and lost some of his best men, the Americans of his command. The Federals lost heavily also. The battle was fought on Monday at old Casas Grandes, 225 miles south of here. The insurrectos were routed, but continued on their march toward Pearson on route to Chihuahua.

It is reported but not yet confirmed that on Tuesday they returned, completely defeated the Federals and captured the town of Casas Grandes. The fighting was between the command of Samuel Garcia Cuellar, aide-de-camp on the staff of President Diaz, and the insurrecto command of Madero, President and leader of the insurrecto cause.

Thirty-six of the Americans in Madero's command are known to have been captured in Monday's battle, and among the dead four Americans were seen in one pile. They were in the front rank of the insurrectos and bore the brunt of the fighting. The insurrectos lost 200 killed and wounded. They also lost 200 cavalry horses and twelve wagons loaded with provisions and ammunition.

Some field guns captured by Madero's advance guard when it entrapped Col. Escudero's Federal force on the Santa Maria River a week ago were recaptured here from the insurrectos, who did not have sufficient ammunition to operate them. Cuellar and his Federals had plenty of ammunition and a field gun, with which they shelled the rebel ranks constantly. The battle lasted for about eleven hours, the Federals cannonading the insurrectos throughout that time.

By a flank movement of Federal cavalry the insurrecto prisoners were taken by the Federals. Most of the prisoners were Americans, who refused to run, but stood for a hand to hand conflict until their ammunition gave out. The presence of the Americans in the insurrecto ranks has caused harsh feelings against the Americans in general and the Mormon colonists have fear for their safety.

Three ranchmen stood off a command of sixty insurrectos four miles south of Juarez last night. The insurrectos made a raid on the ranch of José de la Luz Garcia, a milkman, in an effort to capture some horses and were repulsed by three of his employees, who fired on them in the dark. The milkman rode in this morning and asked for cavalry. Sixty cavalrymen were sent out with him to scout for the rebels. Later messengers came in and sixty more Federal cavalry hurried out.

The insurrectos are believed to be some who left El Paso last night and crossed over the river just east of here shortly after a bomb was exploded northwest of Juarez. The purpose of this bomb, it is believed, was to draw attention to that direction while the men were smuggled over east of town.

On Wednesday afternoon Garcia says his ranch was visited by an insurrecto who said that he wanted horses for his "command." Garcia told the man he had no horses to give away and that if the command wanted them it would have to come in and take them, but he would do his best to protect his property. At night the attack was made. The firing at the ranch was plain and clear. American troops on the Texas side of the river and they say that some of the insurrectos attempted to run back to the Texas side of the stream, evidently ignorant of the strength of the "enemy" at the ranch.

A Mexican courier arrived at Yaleta this morning from Zaragoza and says that eighty-five insurrectos were camped in the cemetery overlooking Zaragoza, twelve miles below Juarez, when he left and that 150 Federal soldiers were within 1,000 yards of the insurrectos. The courier says that a fight between the insurrectos and Federals was expected. He says that the insurrectos had the advantage in location.

Trains are again operating between Torreon and Mexico City, but no trains are yet running into Chihuahua from either direction, although rapid repair work is being done between Torreon and Chihuahua. Several hundred Federal soldiers are guarding the tracks between Zacatecas and Torreon. The gang of a hundred men who have been ballasting the railroad between these points has been laid off, the management declaring that it was spending all the money it could afford on rebuilding burned bridges.

Mariano Lopez Ortiz is still operating near La Mancha and Aguila, continuing to the scene of the destruction ten days ago when he put the road out of commission between Torreon and Zacatecas.

Another American property was sacked when a band of insurrectos visited one of the ranches belonging to the San Fernando hacienda on the outskirts of Lerdo and robbed it of mules and horses. The ranch is the property of the Talahuillo Company. A force of twenty-five infantry was dispatched toward Lerdo to engage the bandits.

CORRAL, SONORA, March 9.—In the battle at Cumuripa, Sonora, on Monday the insurrectos were victorious and Gen. Lorenzo Torres was wounded. The result is unconfirmed. He is still at the head of his troops, but carries two slight wounds. In the Cumuripa battle the insurrecto leader was Juan Antonio Garcia. The number of men with him was perhaps 600. A number of Garcia's men were killed and two wounded. Six were captured.

The battle lasted nearly twenty-four hours. The insurrectos captured many supplies. The Government leader was Gen. Lorenzo Torres. Gen. Torres is wounded on the left side above the hip and in the right hand. The General's neck is unharmed. The telephone to Gen. Torres, commander of the military district and his superior:

"We lost heavily in killed and wounded, captured six insurrectos, killed only two and we don't know how many were wounded."

Gen. Lorenzo Torres also said that the men wounded were not very bad. At Corral this morning as near as could be judged he had about eight hundred men. The soldiers looked tired and were black with dust. They left Cumuripa on foot after they were defeated and walked all day, reached Corral about noon today.

All bridges on the Corral branch of the railroad are burned and the road has been out of commission for over six days.

The Southern Pacific from Tucson to Yuma, which is in the State of Tepic, is still in good running order.

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TO ATTACK ENSENADA.

Mexican Insurrectos Plan for a Republic in Lower California.

MEXICALI, Mexico, March 9.—Greatly worried by reports of the impending occupation of Lower California by American troops and fearing dissension in their own ranks, Gen. Ceyva and Berthold announced to-day that they would immediately start to move on Ensenada, possibly attacking Tia Juana on the way.

The question of leadership, which has been stirring up the insurrectos, was submitted to vote last night and was settled temporarily by an almost unanimous vote of confidence in Leyva. The meeting developed much feeling against the Americans with the insurrecto force, and as a result all but a few of the Americans either left of their own accord or were sent away.

The Federals are holding Pichachos Pass, so the insurrectos plan to march along the border. Reports are constantly being received of Federal scouts around Mexicali, and several brushes have occurred. Although the leadership has been temporarily settled, it is reported that the Los Angeles Junta has commissioned Capt. Stanley to ask Gen. Blanco to move his force into Lower California and take command, making this the main stronghold of the liberals, and possibly declaring an independent republic, with Magon of the Los Angeles Junta as provisional President.

John Kenneth Turner, the author of "Barbarous Mexico," made a hurried flight from Calexico in a wagon last night, believing that a warrant had been or was to be issued for his arrest. Turner slipped across the line, although Capt. Babcock had revoked the pass permitting him to return. He sent Jim Wilson, a rancher, ahead of himself, and while Wilson was detained and arrested, Turner's connection with the insurrectos, Turner crossed over and made good his escape from town.

It is reported that the Mexican Government has made a demand on Washington for the arrest and extradition of Turner, alleging that he is the general adviser of the Lower California insurrectos. Capt. Babcock received orders to-day to maintain a strict patrol of the border for twelve miles each way from here to prevent any person from crossing. Ninety-two insurrectos arrived here to-day. Babcock says that he has received orders to keep his men out of Mexico unless directly instructed to the contrary by Gen. Tasker H. Bliss.

TO ATTACK CHIHUAHUA.

Rebels Planning to Surround the City—Food Is Sent There.

TORREON, Mexico, March 9.—Chihuahua advisers under date of yesterday say that Pascual Orozco's force of rebels, numbering about 500 men, has been making a detour toward the west with the object of converging with a force of several hundred rebels that is advancing toward Chihuahua from Sahuarich. This new movement is believed to be a part of the general plan of making a concerted attack upon Chihuahua within a few days. The military authorities of that city are strengthening the fortifications in anticipation of the prospective attack.

An effort to send food supplies to Chihuahua will be made to-morrow. It is thought that the railroad can be kept open between here and Chihuahua by the detachments of Federal troops that have been stationed along the line when the trains that are now being made to the destroyed bridges are finished. The smelters of the American Smelting and Refining Company at Chihuahua and Vardena have a shortage of ore and may have to be closed down. Many of the larger mines in the States of Chihuahua and Durango are closed on account of the tying up of transportation facilities.

Not Insurance Examiner Charles Hughes.

It was stated in THE SUN of March 7 that among the overdrifts listed in the State Banking Department's inventory of the assets of the Carnegie Trust Company was one of \$216,250 charged to C. C. Hughes, an examiner of the State Insurance Department. The SUN is informed that the C. C. Hughes who had the overdrift has never been connected with the insurance Department, and that Charles Hughes, formerly an examiner of that department, but now manager of the Workmen's Compensation Service and Information Bureau, at Albany, has a balance and has had no overdrift with the Carnegie Trust Company.

The Weather.

March 10.—The middle Atlantic disturbance disappeared to the eastward yesterday and was succeeded by the high pressure from the north Atlantic States, which spread southeastward to the Gulf States, and in conjunction with the depression in the Middle and Northern States forced higher temperatures into all sections east of the Mississippi to the Ohio valley. It was warmer in Kansas, Oklahoma, Arkansas, Missouri and Iowa.

In the Northwest it was cooler, but remained above freezing except along the Canadian border. There was rain in the upper Mississippi Valley and the upper lake region. It was cloudy throughout the lake regions.

For New England, unsettled, but mostly fair weather and warmer to-day; generally fair to-morrow; moderate south and southwest winds. For New Jersey, Delaware and Maryland, unsettled, but probably fair to-day and some what warmer; generally fair to-morrow; moderate south and southwest winds.

For the District of Columbia, unsettled, generally cloudy and warmer to-day; probably fair to-morrow; moderate southerly winds.

For western New York, unsettled, cloudy, probably rain along the lakes and colder in western portions to-day; generally fair and somewhat colder to-morrow; moderate southerly winds, becoming westerly to-day and increasing.

For eastern New York and western Pennsylvania, generally fair weather except threatening conditions in northern portions to-day; warmer to-morrow and generally fair; moderate south and southwest winds.

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4 BURIED IN FALL OF CONCRETE

PANELS ON EIGHT FLOORS OF NEW BUILDING COLLAPSE

At 12-14 East Eighty-seventh Street—Floor Sections Had Been Laid One Above the Other and Men Were in Second Story When They Dropped.

Four men who were laying concrete flooring in an apartment house in the course of construction at 12 to 14 East Eighty-seventh street, were missing last night after a panel of concrete on the top or eighth floor of the building had collapsed and carried down the panel underneath it on each of the other floors.

The four men were working on the second floor and it is thought they were buried underneath the mass of concrete, steel and timber that poured into the cellar. The wrecking crew that attacked the debris early last evening had made little impression on the fourteen feet of wreckage up to midnight.

At 1:20 o'clock this morning the body of one man was dug out of the wreckage and it was said that arrests would be made shortly.

The property there is owned and the building was being erected by the Capital Realty and Construction Company. The construction of the building had attracted some little attention from persons living on Fifth avenue and in East Eighty-sixth and Eighty-seventh streets, who thought the building was going up faster than adequate inspection and competent construction would permit. The authorities had decided last night not to make any arrests until they found at least one of the victims.

The steel framework of the building was finished some days ago and the cement flooring contracting firm of Patrowski & Kopke of 418 East Ninety-first street went to work laying the floor.

The plan of construction was to lay the flooring in panels, 25 by 17 feet, one panel to a floor until they filled the cage, one above the other, to the top of the building. Up to quitting time yesterday afternoon the workmen had completed just one cage and were ready to begin laying the second panel on each floor. Each panel was laid in a bed of steel and wire framework, supported by temporary planking.

The contractors had a force of sixty men at work on the building, but when the whistle blew for the afternoon at 5 o'clock all but fifteen of the men quit. The fifteen remained to pick up a little extra money working overtime. The only weight on any of the panels was the donkey hoisting engine on the first floor, which, however, was braced underneath to an extent considered necessary to support the panel.

At 5:20 o'clock, when four of the fifteen workmen were on the second floor laying the framework for another panel, there was a crash, followed by a cloud of white dust that floated over the neighboring buildings, and at first gave the impression that the whole structure had collapsed. It was soon evident, however, that only the concrete flooring had dropped into the cellar, leaving the framework of the building stripped clean of concrete work.

Eleven of the men had been working far enough away from the falling concrete to dodge it, and the other four who were on the second floor were not heard from and it was supposed that they were carried down with the mass of concrete, wires, timber and steel.

One of the fifteen men to escape was Theodore Stains of 33 Cooper street, Astoria, who was the foreman of the concrete gang. He couldn't account for the collapse except on the theory that the top floor panel became weakened in some manner and in falling carried the others like a row of dominoes. He thought it possible that the first floor panel carrying the donkey engine had dropped first and had caused the rest, everything above it in the cage, but an official of the Stanley Hoisting Company, which owned the engine, said the first floor panel was in perfect condition and the others because of the bracing. Policeman Kuhn of the East Eighty-eighth street station, around the corner in Madison avenue, heard the noise of the falling concrete and saw the concrete running through Eighty-seventh street to the scene of the collapse he followed. He got there just as the eleven men who had escaped from the building were being carried down to the street, talking excitedly in a jargon of Polish and Italian. Kuhn called out the reserves and also turned in an account of the accident to the police station. He said that he had seen the four missing men being carried down the roll of his fifteen men he found that the four missing ones were Nicholas Semnara of 319 East 107th street, Antonio Chapardo of 311 East 116th street, Carl Duda of 323 East 108th street and Novakowski of 322 East 116th street.

Word was sent promptly to the Building Department, and acting Superintendent Stains was sent to the scene. He saw he had a job on his hands and notified Cavanan Bros. of 508 West Fifty-sixth street to send a wrecking crew. The crew was sent to the scene and worked until the wreckers got there, and then they quit. They had been spurred on by the cries of the men who were being carried down to the street. He heard cries for help from the wreckage nearly an hour after the collapse.

Chief Inspector M. J. Revilla of the Police Department, in charge of things early in the evening, but he said he couldn't attempt to fix the responsibility just yet. He said that if a body was recovered, the temperature would be recorded by Foreman Stains and the general superintendent of the building.

It was thought possible that the employees of the Stanley Hoisting Company who were carrying the donkey engine may have worked overtime too and thus that there might be five victims. An official of the Stanley Hoisting Company said it was unusual for the donkey engine to be used in the building.

The collapse caused some little stir in the neighborhood. A lawyer who lives in the rear of the new building on Eighty-sixth street said he wouldn't have been surprised if the whole building had collapsed on his house. Bradley Martin, Jr., lives at 6 East Eighty-seventh street.

Corner Holzhauser had a big pile of lumber on the concrete used sent down to him. John O'Brien, general superintendent of the Stanley Hoisting Company, said that he was at the first floor level when the crash came and that he was sure it came from above.

ON THE WAY BACK BY MANDAMUS

Progress of the Man Prendergast Dismissed for Political Reasons.

Following a decision by a jury before Supreme Court Justice Greenbaum that Comptroller Prendergast dismissed Peter J. Garvey, a Tammany leader, for political reasons only, Garvey asked Supreme Court Justice Gieserich yesterday to sign a peremptory writ of mandamus directing the Comptroller to reinstate him.

The Comptroller opposed the motion on the ground that even if Garvey was removed for political reasons he was entitled to no relief under the statutes, but Justice Gieserich ruled that he could not exclude the name of Prendergast from the list of names on the ground that it had been passed upon in the proceedings before Justice Greenbaum and must be deemed to be settled until a higher court should reverse the decision.

Justice Gieserich granted the writ, but the Comptroller will get a stay pending appeal.

MAY BE NEW EXPRESS STRIKE.

Drivers Complain of Discrimination Against the Union.

The express drivers and helpers of all the express companies, it was announced yesterday, may go on a strike within the next day or two. W. H. Ashton, general organizer of the International Brotherhood of Teamsters, said yesterday:

"The whole situation has been left in the hands of committees of all the companies with power to act. The companies affected are the Wells Fargo, Adams, United States, American, Westcott, Monahan and Long Island companies and the Boston Dispatch. The committees met last night in Long Island City to be out of the way of reporters and drew up a demand to be presented to all the companies within the next twenty-four or forty-eight hours, to the effect that if the men who have been discriminated against for belonging to the union are not reinstated a general strike will be declared. This strike will be a fight to a finish. Everything will be tied up and there will be no compromise. The men who have been discharged for belonging to the union must be reinstated. The companies have been discriminating all along against the union men. The last general strike was called off, especially the Adams Express Company, and it is time it was ended."

A representative of the companies said last evening that a strike sooner or later was expected. "It was looked for next Tuesday," he said, "but it may occur to-morrow or any time. The strike feeling has been smoldering for some time and the trouble may start any day. The companies are prepared and believe that the strike is bound to come, if not now some other day. They have lived on their nerves for some time and the union men who have been discharged have kept the strike feeling aflame and have caused a general feeling of restlessness among the men. The situation is serious and it looks now as if the element among the drivers and helpers who insist on a strike have had their way."

He said that the strike may not affect the American Express Company because that company had apparently more control of its employees than some of the other companies. It was possible, however, that in case of a strike they might be forced out again against their will.

DENTIST SHOT IN HIS BED?

Bullet Punctured Bedclothes Sent Out of the House by Some Woman.

The shooting of Eugene F. Post, a dentist, at 19 Catharine street some time Wednesday afternoon kept the police and Coroner Holtzhauser busy yesterday. As the result of their labors two persons were taken into custody and were sent to the House of Detention by the Coroner. Later in the day, when the original in bed with the dentist had been shot in the hallway, it was found that his blood-stained bedclothes were punctured by two bullets. The police found that the bedclothes had been sent to the laundry by a woman and they got them back.

He was shot before 2 o'clock in the afternoon, for at that time Dr. L. Weinstein, an assistant physician in the out patient department of the New York Hospital, was called to the Catharine street tenement to attend him, but the police were not notified until after midnight. Dr. Weinstein found Post lying in bed with a bullet wound in his left thigh and another in his stomach. There was a woman in the room and neither would tell anything about the shooting. Dr. Weinstein came back at 6 and saw that his patient was losing strength, but the latter still refused to go to a hospital. There was a different woman in the apartment at this time.

At 7 o'clock in the evening a young man and a woman lifted Post out of a cab in front of the New York Hospital and took him into the emergency room. They were not questioned and went away again. Post said that two men had called him into the hall of 19 Catharine street and shot him there.

Just as he was being taken to the operating table at 11 o'clock some one telephoned the hospital and asked after Post's condition. The voice at the other end of the telephone said: "Lieut. Morrison of the Madison street police station is talking." Half an hour later the same voice was at the telephone with the same question, and his answer was that Post had just died. The hospital authorities concluded from the messages that the woman who had called Post had called him to the hospital and that he had died there.

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JURY FREES McGRATH.

Potterman's Wife Was Not Called Upon to Tell Her Story.

A jury in the County Court, Brooklyn, at 9 o'clock last night freed Matthew McGrath, policeman and Olympic athlete, from the charge of assault to-night by George Walker, whom McGrath found in his home with his wife on Christmas eve. The athletic associates and many friends of McGrath were present to hear the verdict.

After Judge Dike had dismissed the jury with his thanks, a priest, who was said to be Father Cleary of Manhattan, sounded out of his chair and grasped McGrath's hand. Following him closely were Martin J. Sheridan, Jack Eller, the 220 yard champion, and a score of other athletes. The big policeman was half carried and half shoved from the court and across the corridor to the chief clerk's office, where for twenty minutes there was rejoicing.

Mrs. McGrath, who had attended the trial every day from its beginning was not in the room when the jury reported. As soon as the verdict was announced she rushed from the room and told her of the acquittal. With the exclamation of "Thank God!" she fainted in the arms of a woman companion.

Five ballots were taken by the jury. From the time the jurors left the courtroom they were of the common opinion that McGrath was justified in the assault on George Walker, but some of them could not overlook his shooting Walker five times. On the first ballot the jury stood eight to four for acquittal. The minority was cut down to two and after long discussion they were won over.

While the taking of testimony was going on counsel for McGrath said that Theodore Roosevelt would have been called as a character witness for the defendant if Mr. Roosevelt had not been absent from the State. While he was absent from the State, he was called as a character witness for the defendant in the Willis avenue bridge in The Bronx to rescue a drowning man.

Friend of McGrath well known in athletics were in the courtroom. McGrath's character was vouched for by Jeremiah E. Mahoney of the Board of Education, Lawyer William Adams Robinson, Brother Stanislaus of St. Francis College, and Dr. Wade, pastor of the Church of St. John the Evangelist in Manhattan.

William A. Jones, the gun expert of the Police Department, testified that the bullet hole in McGrath's trousers was made by a revolver held not more than four inches from the body. McGrath had testified that Walker was standing on his feet when he (Walker) fired. The hole was in the trouser leg near the bottom.

Mrs. McGrath was in the courtroom while the trial was in progress, but she was not called as a witness.

Must Destroy 18 Barrels of Wine.

Eighteen barrels of wine seized under the authority of State Excise Commissioner Clement in a place kept by Salvatore Maestropolo at 11 Monroe street must be publicly destroyed by Police-sour John M. Hayes under an order signed by Supreme Court Justice Ford yesterday after the court had concluded that Maestropolo had no liquor license.

Police-sour John M. Hayes found the liquor and he is ordered to destroy it under a recent statute authorizing any person who finds liquor held for sale without a license to destroy it.

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MUST TRIM MANY BUILDINGS

SIDEWALK ENCROACHMENTS ORDERED AWAY.

Forty-second, Thirty-fourth and Twenty-third Streets Affected—The Waldorf and the Knickerbocker Bath to Lose Porticoes—To Widen Second Avenue.

Resolutions were adopted yesterday by the Board of Estimate directing the Borough President of Manhattan to remove porticoes and other encroachments on the sidewalks of Thirty-fourth street between Eighth avenue and Madison avenue, on Twenty-third street between Third and Seventh avenues, a part of Forty-second street near Broadway, and to widen the roadway and sidewalks of Second avenue between Houston and Twenty-third streets.

The work of tearing down the incumbrances on Forty-second street has already been started, but has not actually begun; but this work and the changes in the other thoroughfares, Mr. McAneny said yesterday, would be started not later than April 1, unless the owners of the properties before that date themselves did away with the obstructions.

Mr. McAneny said yesterday after the meeting of the Board of Estimate that the passage of the resolutions would mean that the ornate portico of the Knickerbocker Hotel on the Forty-second street side of the building would have to be taken away, as would also the portico in front of the Republic, Hackett and New Amsterdam theaters.

In Thirty-fourth street the important changes will be the removal of the big portico of the Waldorf-Astoria and overhanging encroachments on the sidewalks of the Savoy Theatre and the Altman store, and some of the ornate pillars of one or two bank buildings.

Only a few buildings in Twenty-third street will be affected. The columns of the Metropolitan Life Building, which project five feet beyond the building line, will be permitted to remain under an agreement which has been reached between the city and the company, whereby the company has bound itself to allow the public use of its arcade between the hours of 6 A. M. and 11 P. M., and to provide at its own expense an entrance to the Twenty-third street station of the subway.

The improvements will require some changes of both subway and elevated railroad entrances on Twenty-third and Forty-second streets and a shifting of some of the elevated railroad columns. The expense of such changes as these will fall on the city, but the cost of removing encroachments will be borne by the owners of the properties affected.

Mr. McAneny said yesterday that the removal of the building obstructions would permit the widening of the roadways.

QUEENS REALTY MEN DINE.

And McAneny Hids Them Be Hopeful About New Subways.

If anybody entertained any doubts as to the future development of Queens and all that goes with it, a visit to the third annual dinner of the Real Estate Exchange of Long Island at the Hotel Astor last night would have dispelled them. Three hundred guests sat through a long list of speakers and heard Queens lauded to the skies.

It was a dinner where real estate was the principal topic of conversation. The dinner was interesting, particularly in view of the fact that it was held in Queens, and especially Queens, and they wanted to hear all about the subway extension. Borough President McAneny made a speech in which he didn't reveal many secrets of the two bodies that are considering the subway question but said that at present he really didn't favor one scheme more than another. He was quite certain, however, that the problem will adjust itself to the satisfaction of the majority of citizens.

As Mr. McAneny took his seat James J. O'Brien, known as "Constitution O'Brien" after his encounter with Gen. Bingham, when O'Brien was a policeman, offered a toast to the "next Mayor of New York." A good many folks didn't quite understand, but O'Brien was in earnest. Mr. McAneny thus hailed blushed.

Frank Bailey gave an interesting chat on the relation of the municipal authorities to real estate and of capital to real estate. He spoke of the factors that encourage real estate men and hoped they'd be remembered.

Frank E. Hall gave a speech on "Transportation Problems of the Long Island Railroad." Mr. McKnight told of the ethical side of real estate advertising and transactions and Mr. Pounds completed the list.

BIG JUDGMENT SET ASIDE.

Suit of Prof. Clark Against Ely Central to Be Tried on Its Merits.

WILMINGTON, Del., March 8.—Judge Bradford in the United States Circuit Court to-day set aside a judgment for \$75,000 held by Prof. William Bullock Clark of Johns Hopkins University, Baltimore, against the Ely Central Copper Company, a Delaware corporation. The defendant has leave to plead or demur to the declaration of the plaintiff within fifteen days. The case will then be tried on its merits.

Prof. Clark brought suit against the company for \$100,000 for alleged breach of contract. He alleged that the defendant had employed him to inspect mines and report thereon. This he did, but he says the company did not live up to its agreement. When the case was recently called for trial the defendant failed to contest and judgment was given in favor of the plaintiff.

Two weeks ago counsel for the copper company asked that the judgment be set aside on the ground that the defendant had not been notified that the case was to come to trial.

No particular plans have been favored by the two boards that are investigating the problem," said Mr. McAneny. "We ought to find out whether we can use the old system as a nucleus for the new. It is the judgment of many that if that can't be secured under guarantees of future success we've got to drop it. Thus far progress has been very satisfactory."

Mr. McAneny observed that the Public Service Commission has acted wisely and that the assessment plan, which he thought was a mighty good one, for he believed that if one-half of the expense is met by the city and the other half by the property holders on an automatic system will spring up which will benefit all.

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